

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7815

NATHANIEL C. RILEY, II,

Petitioner - Appellant,

versus

WILLIAM R. DAVIS, Warden of Lee Correctional
Institution; ATTORNEY GENERAL OF THE STATE OF
SOUTH CAROLINA,

Respondents - Appellees.

No. 97-7816

NATHANIEL C. RILEY, II,

Petitioner - Appellant,

versus

WILLIAM R. DAVIS, Warden of Lee Correctional
Institution; ATTORNEY GENERAL OF THE STATE OF
SOUTH CAROLINA,

Respondents - Appellees.

Appeals from the United States District Court for the District of South Carolina, at Florence. Henry M. Herlong, Jr., District Judge. (CA-97-2443-4-20BE, CA-97-2442-4-20BE)

Submitted: April 30, 1998

Decided: July 20, 1998

Before WILKINS and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Nathaniel C. Riley, II, Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant seeks to appeal the district court's orders denying relief without prejudice on his petitions filed under 28 U.S.C.A. § 2241 (1994). We have reviewed the record and the district court's opinions adopting the recommendations of the magistrate judge to dismiss Riley's petitions for failure to exhaust state remedies and find no reversible error. Because Riley has already been convicted in state court and now seeks federal habeas relief to attack the validity of his convictions, § 2241 relief is not available. See Braden v. 30th Judicial Circuit Court, 410 U.S. 484, 489-90 (1973). To the extent that Riley's petitions are properly construed as being brought under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998), he has not exhausted his state remedies, a prerequisite to seeking § 2254 relief. See 28 U.S.C.A. § 2254(b), (c). Accordingly, we deny certificates of appealability and dismiss the appeals. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED